

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Burke, et al.

Serial No.: 10/567,635

Art Unit: 1293

Filed: February 8, 2006

Examiner: Not Yet Assigned

For: IMPROVED ANTHELMINTIC FORMULATIONS

November 21, 2007

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO DECISION ON PETITION DATED SEPTEMBER 25, 2007

Dear Sir:

In response to the Decision mailed on September 25, 2007, Applicants submit the following as a full and complete reply to satisfy identified deficiencies in the previous petition under 37 C.F.R. § 1.47(a). As indicated in the Decision, the last known address of Mr. Tripathi was 23 The Hawthorns, Summerhill, Nenagh, Co. Tripperary, Ireland. The last communication from Mr. Burke was provided with the previous petition and was from an address of his

employer Chanelle at Athenry, Loughrea, Co. Galway, Ireland. However, the last known residence of Mr. Burke was Barrack Street, Loughrea, Co. Galway, Ireland.

Regarding the declaration lacking citizenship of the nonsigning inventors, such a requirement is improper since strict adherence cannot be required for every item of 37 C.F.R. § 1.497(a) when the declaration pursuant to 37 C.F.R. § 1.47 is not signed by all inventors. For example, § 1.497(a)(1) requires the applicant (*i.e.*, all named inventors) to file a declaration that is executed even though this requirement is not expressly waived relative to the non-signing inventors when filing under § 1.47. Citizenship is not information privy to the two signing inventors such that executing a declaration in which the signing inventors state, upon potential fine or imprisonment, that all statements are true to their knowledge is inappropriate. Furthermore, 37 C.F.R. § 1.497(b)(2) states that the declaration only “upon information and belief” should include such “facts which the inventor would have been required to state.”

While the signing inventors as discussed lack any such actual knowledge, the owners of the application have unconfirmed reason to believe that the citizenship of Mr. Burke may be Ireland and the citizenship of Mr. Tripathi may be India.

Therefore, Applicants respectfully submit that all filing requirements have been satisfied and this application is in condition for allowance. The Commissioner is authorized to

charge any fee which may now or hereafter be due, to Deposit Account No. 20-0782/VIRB/0002.02/CEH. Early and favorable action is earnestly solicited. In the event that there are any questions, or should additional information be required, please do not hesitate to contact Applicants' attorney at the number listed below.

Respectfully submitted,
S-signed pursuant to 37 CFR 1.4,

/Chance E. Hardie, Reg. No. 55,247/

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